UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LYLE E. DEVORE JR., STEVEN MICHAEL SPRAGUE, RYAN
JAEGER, JOHN J. VARLEY, JEROME AGUIRRE NICOLAS, RICHARD
DOUGLAS LAMPE, BILLY CLARK, and RICHARD ALLEN VAUGHN

Appeal 2009-005263
Application 10/674,127[1]
Technology Center 2100

Decided: December 7, 2009

Before HOWARD B. BLANKENSHIP, JAY P. LUCAS, and JAMES R.
HUGHES, *Administrative Patent Judges.*

LUCAS, *Administrative Patent Judge.*

DECISION ON APPEAL

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[1] Application filed September 29, 2003. Appellants claim the benefit under
35 U.S.C. § 119 of provisional application 60/466,971, filed 5/1/03. This
application is a continuation-in-part of 10/654,845, filed 9/4/03. The real
party in interest is Lockheed Martin Corp.

STATEMENT OF THE CASE

Appellants appeal from a final rejection of claims 10-11, 16-18, 20-23, 25-30, 34-41, 43-44 and 48-70 under authority of 35 U.S.C. § 134(a). Claims 1-9, 12-15, 19, 24, 31-33, 42 and 45-47 are indicated as canceled (App. Br. 2). The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b).

We affirm the rejection.

Appellants' invention relates to a technique (system and method) for accessing and displaying information from a variety of data stores, some directly accessible and some accessed through an intermediate data store. In the words of Appellants:

> With the advent of the wide-spread use of computers, a wide variety of data sources have developed in a relatively short amount of time. Traditional legacy mainframe system are still utilized for the core processing power of many organizations. However, these data sources have now become islands of information that while they are related to other data sources the existing systems provide little or no ability to communicate with each other. Corporations today find that enterprise level solutions are burdensome for the average user and the challenge of empowering individuals with real time data for their individual responsibilities is overwhelming in both cost and magnitude based upon ever changing requirements. Moreover, these legacy systems may be physically separated by thousands of miles or practically separated based upon incompatible programming languages, which makes sharing of data difficult to accomplish.
>
> . . . .
>
> Also in a preferred embodiment, an intermediate database can be employed between the databases associated with native applications and the dash display system. The intermediate database provides numerous benefits including the ability to provide universal translation capability between database types the dash system, as well as security

benefits, and ease of implementation benefits. Also, use of an intermediate database can greatly facilitate rapid prototyping of operational dash displays.
(Spec. ¶ [0003]; ¶ [0015]).

Claim 10 and claim 48 are exemplary:

10.   A computer-based system for presenting a selected one of a plurality display screens comprising:

   means for accessing a plurality of information sources;

   means for generating a plurality of display screens, each display screen including at least one control, each control having at least one function associated therewith, each display screen including at least one status indicator associated with a status indicator threshold;

   means for selecting one of said plurality of display screens for display;

   means for selectively activating a status indicator on said selected one of said plurality of display screens based on information located in at least one of said information sources and on at least one status indicator threshold;

   means responsive to a control on said selected one of said plurality of display screens, for invoking a function associated with said control upon activation of said control; and

   means for linking an intermediate datasource to at least one additional information source, and wherein at least one of said plurality of information sources is an intermediate datasource.

48.   A computer-implemented method, comprising:

      receiving a user input to display information from a
          plurality of direct datasources, the direct data
          sources further comprising information of a
          plurality of data types, in successive, differing
          levels of detail; and

      displaying the information from the intermediate
          datasource in accordance with the user input, the
          displayed information having been populated from
          the direct datasources.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

| Polizzi | US 2002/0052954 A1 | May 02, 2002 |
| Cadiz | US 2002/0186257 A1 | Dec. 12, 2002 |

REJECTIONS

The Examiner rejects the claims as follows:

Claims 10-11, 16-18, 20-23, 25-30, 34-41, 43-44 and 48-70 stand rejected under U.S.C. § 103(a) for being obvious over Polizzi in view of Cadiz.

Groups of Claims:

All claims stand or fall with a single issue, to be described below.

Appellants contend that the claimed subject matter is not rendered obvious by Polizzi in combination with Cadiz for failure of the references to teach key limitations of the claims. The Examiner contends that each of the claims is properly rejected.

Only those arguments actually made by Appellants have been considered in this opinion. Arguments that Appellants could have made but

chose not to make in the Briefs have not been considered and are deemed to be waived.

ISSUE

The issue is whether Appellants have shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 103(a). The issue turns on whether the references teach an intermediate database or datasource as claimed.

FINDINGS OF FACT

The record supports the following findings of fact (FF) by a preponderance of the evidence.

1. Appellants have invented a system and method for efficiently presenting display screens of information from numerous data sources (Spec., ¶ [0006]). The data is presented to the user on a customized "dashboard" interface which presents in an organized manner the data from those direct data sources and also from an intermediate database (Spec., ¶ [0014], ¶ [0015]). The intermediate database provides the ability to translate the data to be consistent with the dashboard interface and change the format of the data (Spec., ¶ [0015], ¶ [0087]).

2. The Cadiz Patent Application Publication teaches a system to keep track of large amounts of information by presenting, in the periphery of the field of vision to a person working on a display screen, iconic representations of new information that may be coming in (¶ [0004], ¶ [0019]). Thus, for example, for a person very interested in the stock market, a thumbnail representation of a stock's current price, high, low,

and trade volume may be presented in a little thumbnail icon on the side
of that person's screen (¶ [0092]). These dynamic thumbnails are called
"items" and they are comprised of a "ticket" describing the information
and a specialized viewer customized for displaying the information
specified by the by ticket (¶ [0017]).

PRINCIPLES OF LAW

Appellants have the burden on appeal to the Board to demonstrate
error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86
(Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a
rejection [under § 103] by showing insufficient evidence of prima facie
obviousness or by rebutting the prima facie case with evidence of secondary
indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355
(Fed. Cir. 1998)).

"This court has held in a number of decisions that a United States
patent speaks for all it discloses as of its filing date, even when used in
combination with other references." *In re Zenitz*, 333 F.2d 924, 926 (CCPA,
1964) (internal citations omitted).
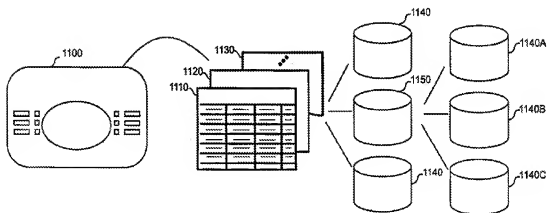

ANALYSIS

From our review of the administrative record, we find that the
Examiner has presented a prima facie case for the rejection of Appellants'
claims under 35 U.S.C. § 103 on pages 3 to 33 of the Examiner's Answer.
In opposition, Appellants present the following arguments.

Arguments with respect to the rejection
of claims 10 to 11, 16 to 18, 20 to 23,
25 to 30, 34 to 41, 43 to 44 and 48 to 70
under 35 U.S.C. § 103

Appellants' arguments center around the claimed limitation "an intermediate database", sometimes referred to as "an intermediate datasource." (App. Br. 12, middle). All of the independent claims require accessing or displaying information from at least one intermediate datasource, as well as other datasources sometimes referred to as "direct datasources."

Appellants' Figure 10B demonstrates the concept:

FIG. 10B

In Fig. 10 B above, database 1150 is the intermediate database, supplying information to the information screens 1110, 1120, and 1130 from databases 1140A, B, and C. Databases 1140 are direct databases (Spec., ¶ [0082], ¶ [0083]).

Appellants and the Examiner agree that the Polizzi reference does not teach an intermediate database (App. Br. 12, bottom; Ans. 23, middle).

Thus the issue can be expressed: In the Cadiz reference, does any of the displayed data (e.g. claim 48) or accessed data (e.g. claim 10) come from an intermediate datasource. The Examiner says "yes" (Ans. 33, middle); the Appellants say "no" (App. Br. 14, bottom).

In Cadiz, the thumbnails, called items, are created by a ticket and a viewer. (*See* FF 2, above.) Information from a datasources in Cadiz is referenced by the programming in the ticket. More specifically, the ticket includes instructions as to what information is to be accessed, perhaps from across the Internet, as well as a pointer to a service that will interact with the information (¶ [0021]). Cadiz describes a wide range of services, including gathering information from a remote web site or server, converting a text file from one language to another, and collecting statistical information about the information (e.g. Did the stock go up or down?). The ticket controls the services and also determines the way the information will be displayed (¶ [0022], ¶ [0023] and ¶ [0024]). Each ticket is associated with viewer software that will display the ticket to the user, as a thumbnail on the periphery of the user's screen (¶ [0089]).

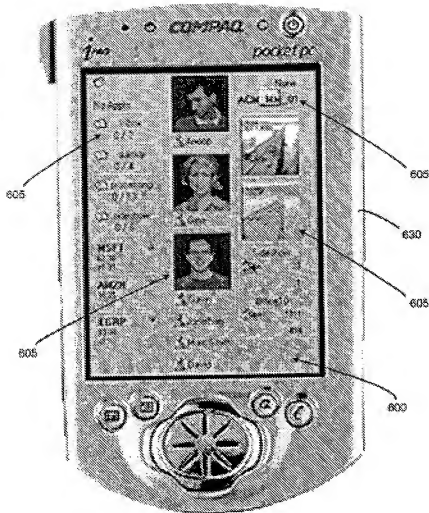For example, consider Fig. 6C.

FIG. 6C

In Fig. 6C, the ticket accesses information on whether a certain person is available. The ticket and viewer then display a picture of the person facing the user when the person is available (middle and bottom items above) and looking away when the person is not available (top item) (¶ [0198]). This is displayed on the periphery of the user's display screen, or on the mobile device.

The Examiner has called the ticket the intermediate datasource (Ans. 33, middle). The Appellants argue that in the three instances of the Cadiz reference cited by the Examiner, ¶ [0024], ¶ [0080] and ¶ [0088], the information accessed or displayed does not come from a ticket but actually is directed by the ticket to go from the direct datasource to the screen and does not come through or reside in the ticket (App. Br. 13, 14; Reply Br. 3, 4).

On consideration, we do not agree with the Appellants' contentions. Primary data, for example the stock values or availability of a person, is available to and accessed by the programming in the ticket, as required by the claims. The displayed information, or information accessed by the processor, is, in some teachings of Cadiz, an iconic representation of the data sent to the ticket, which is developed by and in the ticket. For example, the primary data on a person's availability may come from MSN Messenger (¶ [0185]). But the iconic display of the person facing the user or looking away comes from the ticket (¶ [0182]). A similar argument is made concerning the icon of the stock information: the basic data comes from Internet sources, but the shrinking icon depending on that information is displayed from the ticket (¶ [0092]). Thus some information comes from the ticket, and it acts as an intermediate data source.

Thus we find that the claim limitations are indeed met by Cadiz and Polizzi. The Appellants have not demonstrated error in the rejection.

CONCLUSIONS OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not error in rejecting claims 10-11, 16-18, 20-23, 25-30, 34-41, 43-44 and 48-70 under 35 U.S.C. § 103.

DECISION

The Examiner's rejection of claims 10-11, 16-18, 20-23, 25-30, 34-41, 43-44 and 48-70 is Affirmed.

AFFIRMED

peb

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